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APPLICATION NO.	FIL	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/720,769	1	1/24/2003	Michael Garman	HAMBE 135	4908	
31704	7590	03/29/2006		EXAMINER		
JOHN H. T			ALEXANDER	ALEXANDER, REGINALD		
536 GRANI' RICHMONI		-	ART UNIT	PAPER NUMBER		
•				1761		

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Applic	ation No.	Applicant(s)				
Office Action Summary			),769	GARMAN ET AL.				
			ner	Art Unit				
		_	ld L. Alexander	1761				
Period 1	The MAILING DATE of this communicator Reply	tion appears on	the cover sheet w	ith the correspondence ad	dress			
WH - Ext afte - If N - Fai An	HORTENED STATUTORY PERIOD FOR CHEVER IS LONGER, FROM THE MAIL ensions of time may be available under the provisions of 3 or SIX (6) MONTHS from the mailing date of this community of period for reply is specified above, the maximum statute to reply within the set or extended period for reply will be reply received by the Office later than three months after ned patent term adjustment. See 37 CFR 1.704(b).	LING DATE OF 87 CFR 1.136(a). In nication. ory period will apply ar by statute, cause the	THIS COMMUNIO be event, however, may a red and will expire SIX (6) MON application to become AB	CATION. reply be timely filed ITHS from the mailing date of this of BANDONED (35 U.S.C. § 133).	, , ,			
Status								
1)[\	Responsive to communication(s) filed (	on 08 February	2006	·				
	Responsive to communication(s) filed on <u>08 February 2006</u> .  This action is <b>FINAL</b> . 2b) ☐ This action is non-final.							
3)□	•			ers prosecution as to the	marite is			
∪)	closed in accordance with the practice		•	• •	7 11101113 13			
Disposi	tion of Claims	arraer arr parre		,				
·		lication						
4)(	Claim(s) <u>1-11</u> is/are pending in the app		aanaidaratian					
5.ا⊏	4a) Of the above claim(s) is/are withdrawn from consideration.							
·	Claim(s) is/are allowed.							
·	Claim(s) <u>1-11</u> is/are rejected.							
7) <u> </u>	•							
8)∟	Claim(s) are subject to restriction	n and/or electio	n requirement.					
Applica	tion Papers							
9)[_	The specification is objected to by the E	xaminer.						
10)[	The drawing(s) filed on is/are: a	)∐ accepted or	b) objected to	by the Examiner.				
	Applicant may not request that any objection	n to the drawing(	s) be held in abeyar	nce. See 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including the	e correction is red	uired if the drawing	(s) is objected to. See 37 CF	R 1.121(d).			
11)[	The oath or declaration is objected to by							
Priority	under 35 U.S.C. § 119							
=	Acknowledgment is made of a claim for ) All b) Some * c) None of:	foreign priority	under 35 U.S.C. §	§ 119(a)-(d) or (f).				
	1. Certified copies of the priority documents have been received.							
	Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the priority documents have been received in this National Stage							
	application from the International	• •			J			
*	See the attached detailed Office action for	· ·	* **	received.	•			
				·				
Attachme	nt(s)							
	ce of References Cited (PTO-892)			Summary (PTO-413)	•			
	ce of Draftsperson's Patent Drawing Review (PTO mation Disclosure Statement(s) (PTO-1449 or PTO	•		s)/Mail Date nformal Patent Application (PTC	)-152)			
	er No(s)/Mail Date	C/36/00)	6) Other:	—,				

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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weidman et al. in view of Lee.

There is disclosed in Weidman a hot beverage maker comprising: a stand 11; a removable brewed beverage tank 28; a filter basket 18 mounted inside of the tank; a reservoir portion (lower portion) of the tank; an outlet port 29 positioned substantially at the bottom of the tank; a dispenser actuator 17 connected to the outlet port; a warmer plate 71; a fresh water chamber 14; and a hot water shower head 50 connected via tube 48 to the water chamber.

Lee discloses a push button dispenser actuator including a plug 350 comprising a stem 362 and a seal ring 358 wherein the lower portion of the stem has a substantially inverted conical shape.

It would have been obvious to one skilled in the art to substitute the dispenser and actuator arrangement of Weidman with that disclosed in Lee, in order to provide an alternative means for dispensing liquid from the brewed beverage tank.

## Response to Arguments

Applicant's arguments filed 08 February 2006 have been fully considered but they are not persuasive. It appears that the wrong element number was given to represent the removable brewed beverage tank. Element 16 represents the housing in which the removable tank 28 is mounted. While Weidman discloses that element 16 is the brewed beverage tank, the actual collection of brewed beverage is made in the liner 28 which is removable from base element 11 (see fasteners at stilts 36a of figure3). The erroneous indication of elements was made without any malicious intent and an apology is hereby given. But, look at the other elements of the claims and how they are associated with the tank, one could conclude that element 28 is what was being referred to in the rejection of the claims. The filter basket sits within element 28 and the heater is removably mounted to the tank. Therefor, the rejection still stands and is being considered final.

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Reginald L. Alexander whose telephone number is 571-

272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

rla

March 23, 2006

Reginald L. Alexander

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Primary Examiner

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